

**IN THE UNITED STATES COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSE CABRAL,

Plaintiff

v.

THE PHILADELPHIA
COCA-COLA BOTTLING COMPANY,

Defendant.

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Civil Action No. 02-cv-2806

**DEFENDANT'S MOTION FOR LEAVE TO FILE A REPLY TO PLAINTIFF'S
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Defendant, The Philadelphia Coca-Cola Bottling Company, hereby requests leave, pursuant to Local Rule 7.1(c), to file the attached Reply to Plaintiff's Opposition to the Motion for Summary Judgment filed by Defendant.

Defendant asks to file this Reply to correct misstatements of, and incorrect citations to, the record which are contained in Plaintiff's Opposition brief. Defendant submits that Plaintiff may not assert that there are issues of fact barring summary judgment predicated upon inaccurate statements of the uncontroverted facts or by contradicting his own sworn testimony. To aid the Court, Defendant would submit this Reply to provide citations to the correct, undisputed facts and to respond to assertions of factual issues which do not, in actuality, exist.

Further, Defendant asks leave to reply to assertions regarding weekend overtime assignment which are discussed in Plaintiff's Opposition, but which, because they were not set forth in his Complaint or his EEOC discrimination charge, were not addressed in detail in Defendant's Summary Judgment motion.

Finally, Defendant asks leave to reply to certain statements of law by Plaintiff which do not reflect controlling legal principles. For the foregoing reasons, Defendant respectfully asks for leave to file the attached Reply brief.

Dated: February 27, 2003

Respectfully submitted,

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Certificate of Service

I hereby certify that on this 27th day of February, 2003, a copy of Defendant Philadelphia Coca-Cola Bottling Company's Motion for Leave to file a Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment was served by hand upon the following attorneys for the Plaintiff:

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